

Determination of NEPA Adequacy (DNA)

U.S. Department of the Interior

Bureau of Land Management

Royal Gorge Field Office

3028 E. Main

Cañon City, CO 81212

OFFICE: RGFO

PROJECT NUMBER: DOI-BLM-CO-F02-2014-004 DN

CASEFILE: Grazing Record # 0504369 (Tarryall Creek Ranch, LLC)
Grazing Record# 0504869 (Bar Star Land, LLC)

PROPOSED ACTION TITLE/TYPE: Range – Grazing Lease Transfer for a portion of Harlin Ditch Allotment. Divide the Allotment into two separate Allotments (Harlin Ditch & Harlin Ditch South).

LOCATION/LEGAL DESCRIPTION: Park County, 6th Principal Meridian

Currently:

<u>Allotment</u>	<u>Legal Description</u>	<u>Public Acres</u>
Harlin Ditch #05789	T8S, R76W, Sec 27, 34, 35 T9S, R76W, Sec 1, 2	694

Proposed:

<u>Allotment</u>	<u>Legal Description</u>	<u>Public Acres</u>
Harlin Ditch #05789	T8S, R76W, Sec 27, 34, 35	614
Harlin Ditch South #03954	T9S, R76W, Sec 1, 2	80

A. Description of the Proposed Action and any applicable mitigation measures

The proposed action is to split the Harlin Ditch Allotment into two allotments (Harlin Ditch & Harlin Ditch South) and for the new Harlin Ditch South Allotment transfer the authorization to graze livestock on public lands to Bar Star Land, LLC.

The base property for the Harlin Ditch Allotment was previously owned by Tarryall Creek Ranch, LLC. Tarryall Creek Ranch, LLC has sold and sub-divided the base property. Bar Star Land, LLC purchased a portion of the base property and has applied for the grazing lease for

public land included in the Harlin Ditch South Allotment. This portion of Harlin Ditch will be divided off and will now be known as the Harlin Ditch South Allotment. The new lease will expire in ten years (2/28/2023). **Grazing use on the allotment will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions. The grazing preference will be divided accordingly.**

The previous and future management was and will be “custodial management”. Custodial management is generally used on allotments that consist of relatively small or scattered parcels of public lands that are unfenced from large amounts of private land, are difficult to manage separately, and have limited resource issues. In order to be included in a “Custodial” classification, resources on an allotment are generally considered to be in acceptable condition and are generally producing at or near their potential. Under custodial management, the permit includes a specific number of livestock and the specific amount of grazing use (AUMs) authorized on the public land. However, the lessee is not restricted to that specific number of livestock, nor restricted to specific grazing dates, as long as the authorized amount of grazing use on public land within the pasture is not exceeded.

Grazing use on the allotment is currently scheduled as follow:

<u>Allotment</u>	<u>Number</u>	<u>Kind</u>	<u>Grazing Period</u> <u>Begin</u> <u>End</u>	<u>% Public</u> <u>Land</u>	<u>Type</u> <u>Use</u>	<u>AUMs</u>
Harlin Ditch	6	Cattle	03/01 – 02/28	100%	Custodial	70

The total amount of authorized livestock grazing on the allotment is currently:

<u>Allotment</u>	<u>Authorized Livestock Grazing</u>		
	<u>Total</u>	<u>Suspended</u>	<u>Active</u>
Harlin Ditch	70	0	70

The Proposed Action includes dividing the Harlin Ditch Allotment into two Allotments as follows:

<u>Allotment</u>	<u>Legal Description</u>	<u>Public Acres</u>
Harlin Ditch #05789	T8S, R76W, Sec 27, 34, 35	614
Harlin Ditch South #03954	T9S, R76W, Sec 1, 2	80

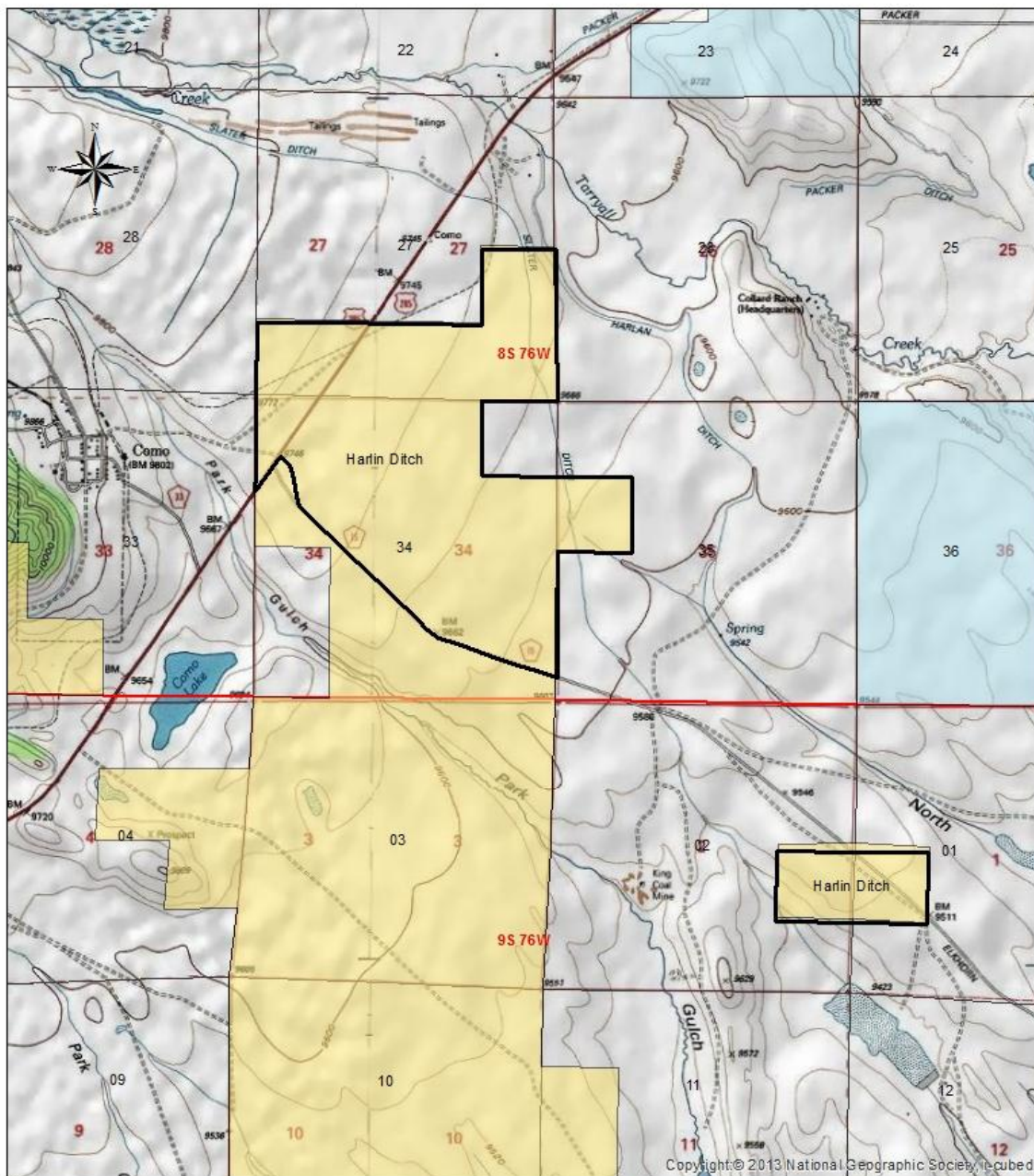
Grazing use on the allotments **will be** scheduled as follows:

<u>Allotment/ Pasture</u>	<u>Number</u>	<u>Kind</u>	<u>Grazing Period</u> <u>Begin</u> <u>End</u>	<u>% Public</u> <u>Land</u>	<u>Type</u> <u>Use</u>	<u>AUMs</u>
Harlin Ditch	5	Cattle	3/1 - 2/28	100%	Custodial	62
Harlin Ditch South	1	Cattle	3/1 - 2/28	100%	Custodial	8

The total amount of authorized livestock grazing on the allotments **will be:**

<u>Allotment</u>	<u>Authorized Livestock Grazing</u>		
	<u>Total</u>	<u>Suspended</u>	<u>Active</u>
Harlin Ditch	62	0	62
Harlin Ditch South	8	0	8

Prior to being split, the Harlin Ditch Allotment was subjected to an internal interdisciplinary team review through Public Land Health Assessments conducted in 2006. The allotment is currently meeting public land health standards. In addition, the allotment was analyzed for permit renewal under BLM-CO-200-2007-0051 EA, conducted in August, 2007.



OVERVIEW MAP - GRAZING LEASE TRANSFER/SPLIT

Harlin Ditch Allotment #05789

Legend

- Harlin Ditch Allotment
- Bureau of Land Management
- Private
- State
- State, County, City, Areas
- US Forest Service

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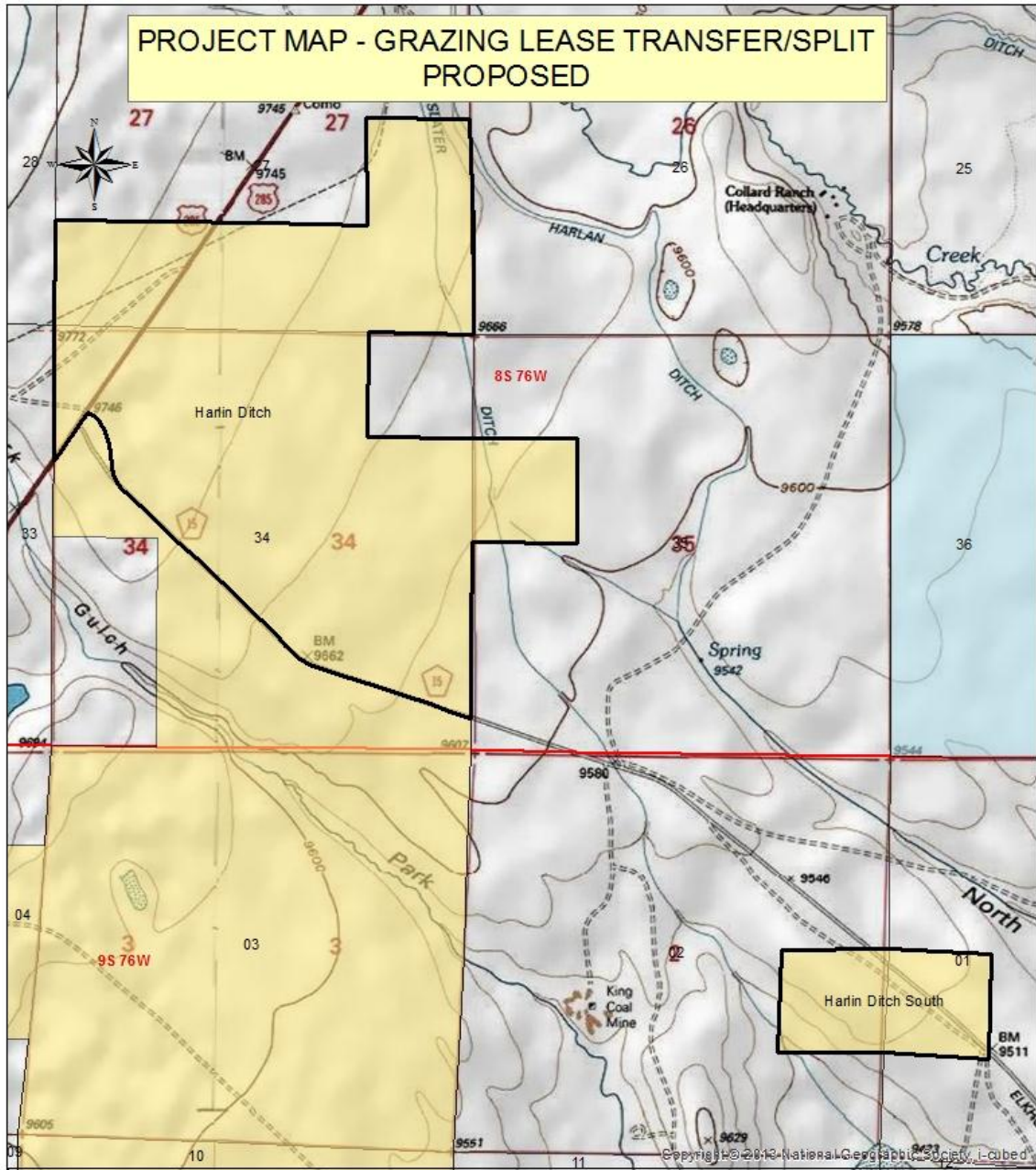
0 0.25 0.5 1 Miles



NOTE TO MAP USERS

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of the data layers shown on this map. The official land records of the data providers should be checked or current status on any specific tract of land.

PROJECT MAP - GRAZING LEASE TRANSFER/SPLIT PROPOSED



Legend

- Harlin Ditch Allotment
- Harlin Ditch South Allotment
- Bureau of Land Management
- Private
- State
- State, County, City, Areas
- US Forest Service

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0 0.25 0.5 1 Miles



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B. Land Use Plan (LUP) Conformance

LUP Name Royal Gorge Resource Management Plan	Date Approved 05/13/1996
Other Document Final Livestock Grazing EIS	Date Approved 1995

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions: 4-2, 4-4, C-30, & C-44

Decision Language:

- 4-2: Season of use and stocking rates will continue based on the Grazing EIS and vegetation monitoring.
- 4-4: Grazing is authorized on 49 allotments.
- C-30: Base livestock grazing management on the 1981 Royal Gorge Area Grazing Environmental Impact Statement. Continue to use allotment management plans (AMPs) on an interim basis until replaced with IAPs.
- C-44: On single pasture allotments with season long spring/summer grazing, utilization will be held to the 40 to 60 percent range on forage species in lieu of a rest standard. This requirement will be on high elevation allotments where deferment or dormant season use is impractical because of deep snow and fencing the allotment into smaller units is uneconomical.

C. Identify applicable National Environmental Policy Act (NEPA) documents and other related documents that cover the proposed action.

List by name and date all applicable NEPA documents that cover the proposed action.

BLM-CO-200-2007-0051 DN Term Grazing Lease Renewal
Date Approved: August 27, 2007.

DOI-BLM-CO-200-2011-0030 DN Grazing Lease Transfer
Date Approved: January 31, 2011.

List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

Public Land Health Assessment 2006
Date Approved: September, 2006

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

The Proposed Action is substantially the same action and at the site specifically analyzed in the existing NEPA documents. Grazing use on the allotments will remain as previously scheduled. There will be no changes in livestock numbers; authorized grazing dates and times; authorized levels of use; or terms and conditions.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

Yes. The RMP/EIS and EA considered a range of alternatives. The existing EA for permit renewal was conducted in 2007 and continues to be appropriate for current conditions. The EA included a proposed action alternative, a no action alternative, and a no grazing alternative that were analyzed in the document. The proposed action is described in Section A of this document. The no action alternative was analyzed as the “current management” of the allotments in the previous EA with no changes in terms and conditions. The no grazing alternative was analyzed as removal of livestock grazing from the allotment. No new environmental conditions or change in resource values have arisen that would invalidate those alternatives analyzed.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The previous information and circumstances and analysis are still valid in light of the 2006 Health Assessment, and no new issues concerning grazing have arisen on this allotment. Also, the EA was recently completed.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. The impacts remain unchanged. Those impacts, including cumulative impacts, normally associated with livestock grazing are mitigated through monitoring of land health standards.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. Extensive scoping and public involvement occurred in the RMP/EIS. Also, scoping occurred during the recent permit renewal.

E. Persons/Agencies /BLM Staff Consulted

INTERDISCIPLINARY TEAM REVIEW			
NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Matt Rustand	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds	MR, 11/6/2013
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	-----
Chris Cloninger	Range Management Spec.	Range, Vegetation, Farmland	CC, 11/4/13
John Lamman	Range Management Spec.	Range, Vegetation, Farmland, Weeds	JL, 11/21/2013
Dave Gilbert	Fisheries Biologist	Aquatic Wildlife, Riparian/Wetlands	DG, 11/29/2013
Stephanie Carter	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	-----
Melissa Smeins	Geologist	Minerals, Paleontology	MJS, 11/4/2013
John Smeins	Hydrologist	Hydrology, Water Quality/Rights, Soils	JS, 11/4/13
Ty Webb	Prescribed Fire Specialist	Air Quality	TW, 11/8/13
Jeff Covington	Cadastral Surveyor	Cadastral Survey	JC, 11/5/13
Kalem Lenard	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	KL, 11/8/2013
John Nahomenuk	River Manager	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers	-----
Ken Reed	Forester	Forestry	MKSG, 11/26/13
Martin Weimer	NEPA Coordinator	Environmental Justice, Noise, SocioEconomics	mw, 11/13/13
Monica Weimer	Archaeologist	Cultural, Native American	-----
Michael Troyer	Archaeologist	Cultural, Native American	MDT, 12/4/13
Steven Craddock	Realty Specialist	Realty	SRC, 11/19/2013
Ty Webb	Fire Management Officer	Fire Management	TW, 11/8/13
Steve Cunningham	Law Enforcement Ranger	Law Enforcement	N/A

REMARKS:

Cultural Resources: One historic property (5PA.418.22 – a segment of the Denver, South Park, and Pacific Railroad line) was found within the area of potential effect [see report CR-RG-14-64 (P)]. However, the proposed undertaking will have no adverse effect on the historic property (those eligible for the NRHP).

Native American Religious Concerns: No possible traditional cultural properties were located during the cultural resources inventory (see above). There is no other known evidence that suggests the project area holds special significance for Native Americans.

Threatened and Endangered Species: There are no records of any federally listed or BLM sensitive species within or near the project area. The Proposed Action will not result in impacts to TES species.

MITIGATION: None.

CONCLUSION

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Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

SIGNATURE OF PROJECT LEAD: /s/ Christine Cloninger

SIGNATURE OF NEPA COORDINATOR: /s/ Martin Weimer

SIGNATURE OF NEPA SUPERVISOR: Melissa K.S. Garcia

SIGNATURE OF THE RESPONSIBLE OFFICIAL: /s/ Keith E. Berger
Keith E. Berger, Field Manager

DATE: 12/9/13

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.